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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,972	09/05/2000	Sridhar Gopalkrishnan	IN-10006	9056

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EXAMINER

MRUK, BRIAN P

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 02/28/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/655,972

Applicant(s)

GOPALKRISHNAN ET AL.

Examiner

Brian P Mruk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>7</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The use of the trademarks Luviskol (page 5, line 11), Biosoft (page 6, line 4), etc. have been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The phrase "at a level up to about" in claim 1 renders the claim vague and indefinite. The phrase "at a level up to about" renders the claim indefinite, since one of ordinary skill in the art would not be able to ascertain the metes and bounds of the phrase "at a level up to about". It is unclear what values are encompassed by the phrase "at a level up to about". The examiner suggests that this phrase should be

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changed to "at a level up to". "Claims reciting "at a level up to about" are invalid for indefiniteness where there was close prior art and there was nothing in the specification, prosecution history, or the prior art to provide any indication as to what range of specific activity is covered by the term about." See MPEP 2173.05(b). Furthermore, since the ratio of anionic surfactant to nonionic surfactant recited in instant claim 1 depends directly on the amount of the copolymer (i.e. less than 1% of the copolymer in the composition requires a ratio of anionic to nonionic of at least 3:1, and greater than 1% of the copolymer in the composition requires a ratio of anionic to nonionic of at least 4:1), an overlapping amount of the copolymer for each ratio of surfactants renders the claim vague and indefinite, since it is unclear what the ratio of surfactants needs to be.

Appropriate correction and/or clarification is required.

5. The phrase "at a level of at least about" in claim 1 renders the claim vague and indefinite. The phrase "at a level of at least about" renders the claim indefinite, since one of ordinary skill in the art would not be able to ascertain the metes and bounds of the phrase "at a level of at least about". It is unclear what values are encompassed by the phrase "at a level of at least about". The examiner suggests that this phrase should be changed to "at a level of at least". "Claims reciting "at a level of at least about" are invalid for indefiniteness where there was close prior art and there was nothing in the specification, prosecution history, or the prior art to provide any indication as to what range of specific activity is covered by the term about." See MPEP 2173.05(b).

Furthermore, since the ratio of anionic surfactant to nonionic surfactant recited in instant

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claim 1 depends directly on the amount of the copolymer (i.e. less than **about** 1% of the copolymer in the composition requires a ratio of anionic to nonionic of at least 3:1, and greater than **about** 1% of the copolymer in the composition requires a ratio of anionic to nonionic of at least 4:1), an overlapping amount of the copolymer for each ratio of surfactants renders the claim vague and indefinite, since it is unclear what the ratio of surfactants needs to be. Appropriate correction and/or clarification is required.

6. The phrase "fewer than about" in claim 3 renders the claim vague and indefinite. The phrase "fewer than about" renders the claim indefinite, since one of ordinary skill in the art would not be able to ascertain the metes and bounds of the phrase "fewer than about". It is unclear what values are encompassed by the phrase "fewer than about". The examiner suggests that this phrase should be changed to either "fewer than" or "about". "Claims reciting "fewer than about" are invalid for indefiniteness where there was close prior art and there was nothing in the specification, prosecution history, or the prior art to provide any indication as to what range of specific activity is covered by the term about." See MPEP 2173.05(b). Appropriate correction and/or clarification is required.

7. The Markush listing of anionic surfactants in claim 9 renders the claim vague and indefinite, since not all of the surfactants listed in claim 9 are anionic. Specifically, "amine oxides" and "C₈-C₃₀ fatty acids soaps" are nonionic surfactants, and "betaines" and "sulfobetaines" are amphoteric surfactants. The surfactants listed in claim 9 which

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are not anionic surfactants should be deleted from the Markush listing in claim 9.

Appropriate correction and/or clarification is required.

8. Claims 2-13 are rejected under 35 U.S.C. 112, second paragraph, for being dependent upon a claim with the above addressed 112 problem (i.e. claim 1).

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 5-10, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanner, U.S. Patent No. 3,749,682.

Tanner, U.S. Patent No. 3,749,682, discloses a laundry detergent composition comprising 0.1-5% by weight of a copolymer of vinylpyrrolidone and vinylacetate with an average molecular weight of 10,000-400,000 (col. 1, lines 13-20 and col. 2, lines 40-44). It is further taught by Tanner that the ratio of vinylpyrrolidone molar units to vinylacetate molar units is from 10:90 and 90:10, and preferably between 30:70 and 70:30 (col. 2, lines 19-23), and that the detergent composition also contains 2-60% by weight of a surfactant system, which includes both anionic and nonionic surfactants (col. 2, lines 45-64). Specifically, note column 5, Example 13, which discloses a liquid laundry

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detergent comprising 15% by weight of anionic surfactants (i.e. dodecyl benzene sulfonate and lauryl ether sulfate), 5% by weight of nonionic surfactant (i.e. nonylphenol-11 ethylene oxide), 1% by weight of a copolymer of vinylpyrrolidone (20 mole percent) and vinylacetate (80 mole percent), and 56% by weight of water, per the requirements of the instant invention. Therefore, instant claims 1, 5-10, 12 and 13 are anticipated by Tanner, U.S. Patent No. 3,749,682.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (703) 305-0728. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (Before Final) and (703) 872-9311 (After Final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

BPM

Brian Mruk
February 26, 2003

Brian P. Mruk
Brian P. Mruk
Patent Examiner
Tech Center 1700